

### REMARKS

Claims 1, 2 and 4-13 are pending.

Claim 1 has been amended to recite the subject matter of canceled claim 3.

Claims 2, 4-7 and 10-13 have been amended for clarity. The underlining in claims 2 and 9-13 has been removed.

No new matter has been added by way of the above-amendment.

### I. Pending Rejections

The following Rejections are pending:

- (A) Claim 6 is rejected on the ground of nonstatutory double patenting over claim 2 of U.S. Patent No. **7,358,660 B2**;
- (B) Claims 1, 3-4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by **Ong et al. (US 4,983,482 A)**;
- (C) Claims 2 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Ong et al. (US 4,983,482 A)**;
- (D) Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ong et al. (US 4,983,482 A)** as applied to claims 1-4 above, and further in view of **Webb et al. (US 6,444,768 B1)** and **Tazuke et al. (US 4,226,967 A)**; and
- (E) Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Murata et al. (US 6,143,433 A)**, and further in view of **Ong et al. (US 4,983,482 A)**.

Applicants respectfully traverse Rejections (A)-(E).

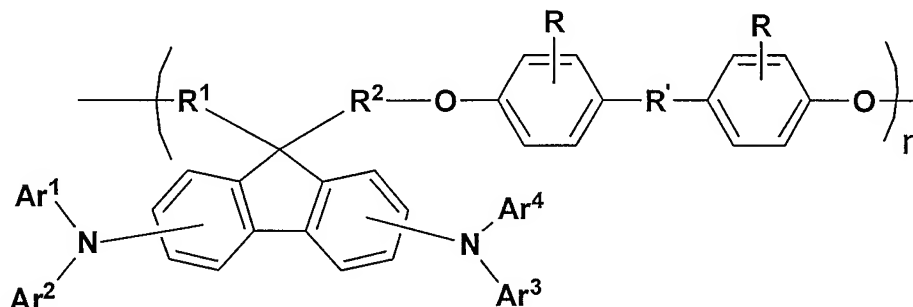
Although Applicants respectfully disagree with the Examiner's findings, Applicants have amended claim 1 to recite the subject matter of claim 3 in order to advance prosecution. Since only Rejection (B) includes claim 3, it is submitted that Rejections (A) and (C)-(E) are rendered moot. Applicants now comment on Rejection (B).

#### i) Patentable distinctions between the present invention and the teachings of Ong et al.

In order to further distinguish from Ong et al., claim 1 has been amended to recite that the charge transporting compound is composed of a polymer having a

structure of the formula (1). In the formula (1),  $R^3$  represents a divalent organic group having a phenoxy group at opposite ends thereof.

In a nonlimiting embodiment, the inventive polymer has the following structure:



A structure such as shown above ensures a low drive voltage by using the inventive charge transporting compound having the above formula (1).

On the other hand, Ong et al. fails to teach a polymer having the above structure. Accordingly, Ong et al. has not placed the inventive charge transporting compound in the possession of the public, and as such, the presently claimed invention is not anticipated by Ong et al. Reconsideration and withdrawal of Rejection (B) is respectfully requested.

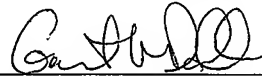
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Reg. No. 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: May 1, 2009

Respectfully submitted,

By  #43575

Gerald M. Murphy, Jr.

Registration No.: 28,977 *for*

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant